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EXAMINER

HECK, MICHAEL C

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 04/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/608,356

Applicant(s)

SMIRNOV, YURI

Examiner

Michael Heck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

1. The following is a First Office Action in response to the application filed 29 June 2000. Claims 1-34 are pending in this application and have been examined on the merits as discussed below.

#### ***Oath/Declaration***

2. The Oath/Declaration does not identify the citizenship of the inventor. The citizenship block is filled in with the word "none".

#### ***Drawings***

3. The drawings are objected to because on Figure 4, item 405, the description says "Receiving availability date from supplier system (e.g., ERP/SCP) for selected feature". The disclosure on page 19, lines 14-16 indicate that item 405 is for receiving availability date and or price information from the supplier system for the selected feature. It is respectfully submitted that --price information-- be included on figure 4, item 405, to better describe its function. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Specification***

4. The disclosure is objected to because of the following informalities:

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- a. Page 12, line 4 states “ Inventory 230”. To be consistent and not misleading it is respectfully submitted that the above statement be changed to read --Inventory library 230--.
5. The above citation is a mere guide. Applicant is requested to review the specification thoroughly to eliminate additional errors. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 7, 8, 13-15, 19-22, 24-26, 30, 33, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Henson (U.S. Patent 6,167,383). Henson discloses a method for providing customer configured machines at an internet site comprising:

- [Claim 1] receiving from the supplier an availability date that corresponds to a feature of the product selected by the customer (Col. 7, lines 1-12, Henson teaches a shipment delay indicator that provides the customer with advance notice that a particular option will result in a shipment delay. The indicator may further include an indication of a certain amount of time for a delay.);
- and updating an in-process bill of materials to reflect that selected feature (Col. 2, lines 61-67, Henson teaches a configurator for configuring a computer system with options selected).
- [Claim 2] repeating the steps of receiving and updating a number of times until the configuration is complete thereby yielding a completed bill of materials (Col. 8, lines 45-55 and Col 3, lines 1-12, Henson teaches the customer can modify, change and/or

delete an option and temporarily store the configured computer system prior to checkout).

- [Claim 3] communicating the selected feature to the supplier (Col. 2, line 61 through to Col. 3, line 12, Henson teaches a web-based online store enabling a customer to custom configure a computer system, and a checkout process where payment options are presented and obtained and delivery information is communicated. Inherently, the supplier is communicated with in order to agree with the order and give delivery information.).
- [Claim 7] deriving, from the in-process bill of materials, an in-process manufacturing bill of materials that reflects the received availability date that corresponds to the selected feature (Col. 2, lines 61-67 and Col. 6, lines 31-67, Henson teaches a configurator for configuring a computer system with options selected. A shipment delay indicator provides the customer with any lead time warnings or shipment delays associated with selection of specific options).
- [Claim 8] receiving a price that corresponds to the selected feature (Col. 2, line 61 through to Col. 3, line 12, Henson teaches a web-based online store enabling a customer to custom configure a computer system where options and a respective price for each option is presented).
- [Claim 13] in response to the price of the selected feature being determined on the configuration side, deriving an in-process pricing bill of materials from the in-process bill of materials, wherein the in-process pricing bill of materials reflects the price of the selected feature (Col. 2, line 61 through to Col. 3, line 12, Henson teaches a web-based online store enabling a customer to custom configure a computer system where options and a respective price for each option is presented);
- and in response to the price of the selected feature being determined on the resource planning side, deriving the in-process pricing bill of materials from an in-process manufacturing bill of materials that is derived from the in-process bill of materials and reflects the received availability date of the selected feature (Col. 2, line 61 through to Col. 3, line 12, and Col. 6, lines 31-67, Henson teaches a web-based online store enabling a customer to custom configure a computer system where options and a respective price for each option is presented. A shipment delay indicator provides the customer with any lead-time warnings or shipment delays associated with the selection of specific options).
- [Claim 14] a configuration application for receiving a product feature selected by the customer, and for validating a number of constraints associated with that product feature (Col. 2, lines 65-67, and Col. 7, lines 57-66, Henson teaches a configurator is provided for configuring a computer system with options selected according to a user input. The online store includes validation of a configuration built by a customer

whereby a validation message is sent indicating an occurrence of when the options selected are not correct or will adversely affect the shipment.);

- a communication module coupled to the configuration application for communicating the selected product feature to the supplier, and for communicating an availability date of that product feature from the supplier to the configuration application (Col. 7, lines 1-12, Henson teaches a shipment delay indicator that provides the customer with advance notice that a particular option will result in a shipment delay. The indicator may further include an indication of a certain amount of time for a delay.);
- and a first storage area coupled to one of the configuration application and the communication module for storing an in-process bill of materials that reflects the product feature selected by the user (Col. 3, lines 4-6, and Col 5, lines 9-13, and 57-58, Henson teaches the configurator, cart, and checkout are driven off the database. The cart provides temporary storage of the customer configured computer system.).
- [Claim 15] the in-process bill of materials represents a completed bill of materials (Col. 8, lines 45-55 and Col 3, lines 1-12, Henson teaches the customer can modify, change and/or delete an option and temporarily store the configured computer system prior to checkout).
- [Claim 19] an in-process manufacturing bill of materials is derived from the in-process bill of materials, and reflects the availability date of the selected product feature (Col. 2, lines 61-67 and Col. 6, lines 31-67, Henson teaches a configurator for configuring a computer system with options selected. A shipment delay indicator provides the customer with any lead time warnings or shipment delays associated with selection of specific options).
- [Claim 20] a second storage area coupled to one of the configuration application and the communication module for storing an in-process manufacturing bill of materials that reflects the availability date of the selected product feature; and a third storage area coupled to one of the configuration application and the communication module for storing an in-process pricing bill of materials that reflects a price of the selected product feature (Figure 1, Col. 4, line 53 through to Col. 5, line 5, and Col. 6, lines 5-51, Henson teaches a hard disk drive and other storage devices all interconnected via one or more buses. The commerce application includes a configurator and database. The database provides information to the configurator which includes a pricing module, a view module, a lead time warning module, and a merchandising module.)
- [Claim 21] the communication module is also for communicating a price of the selected product feature from the supplier to the configuration application (Col. 2, line 61 through to Col. 3, line 11, Henson teaches options selected by the user receive a price that is displayed on a configurator web page).

- [Claim 22] an availability date communication module for communicating the availability date of the selected product feature from the supplier to the configuration application (Col. 6, lines 31-67, Henson teaches a shipment delay indicator that provides the customer with any lead time warnings or shipment delays associated with selection of specific options);
- and a price communication module for communicating the price of the selected product feature to the configuration application (Col. 2, line 61 through to Col. 3, line 12, Henson teaches a web-based online store enabling a customer to custom configure a computer system where options and a respective price for each option is presented).
- [Claim 24] an in-process pricing bill of materials is derived from the in-process bill of materials, wherein the in-process pricing bill of materials reflects the price of the selected feature (Col. 2, line 61 through to Col. 3, line 12, Henson teaches a web-based online store enabling a customer to custom configure a computer system where options and a respective price for each option is presented);
- and in response to the price of the selected product feature being determined on the resource planning side, the in-process pricing bill of materials is derived from an in-process manufacturing bill of materials that is derived from the in-process bill of materials and reflects the received availability date of the selected feature (Col. 2, line 61 through to Col. 3, line 12, and Col. 6, lines 31-67, Henson teaches a web-based online store enabling a customer to custom configure a computer system where options and a respective price for each option is presented. A shipment delay indicator provides the customer with any lead-time warnings or shipment delays associated with the selection of specific options).
- [Claim 25] a user interface coupled to the configuration application for allowing the user to interact with the system (Col. 2, lines 61-67, Henson teaches a web-based online store having a user interface for enabling a custom configuration of a computer system).
- [Claim 26] an inventory library coupled to the configuration application for providing the customer a number of product features that can be selected to configure the product (Col. 3, lines 13-29, Henson teaches the configurator includes merchandising recommendations for available options that are presented on the configurator web page).
- [Claim 30] responsive to the customer selecting a feature of the product, receiving from the supplier an availability date that corresponds to that selected feature (Col. 7, lines 1-12, Henson teaches a shipment delay indicator that provides the customer with advance notice that a particular option will result in a shipment delay. The indicator provides may further include an indication of a certain amount of time for a delay.)

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- updating an in-process bill of materials to reflect that selected feature (Col. 2, lines 61-67, Henson teaches a configurator for configuring a computer system with options selected);
- and in response to the customer being satisfied with the sales parameters, submitting a completed bill of materials to the supplier (Col. 2, line 61 through to Col. 3, line 12, Henson teaches a web-based online store with a user interface, configurator, a cart, a checkout, and a database. The user interface enables the user to custom configure a computer system via the configurator. The options and a respective pricing for each option are presented. The checkout is provided for presenting payment options and for obtaining payment and delivery information).
- [Claim 33] in response to the computer program product being executed by a processor, the processor performs the steps of: responsive to a customer selecting a feature of the product, receiving from a supplier over the Internet an availability date that corresponds to that selected feature (Col. 3, lines 61-67, Col. 6, lines 5-17, and Col. 7, lines 1-12, Henson teaches a web-based online store using a computer system with a central processing unit. A shipment delay indicator provides the customer with advance notice that a particular option will result in a shipment delay. The indicator provides may further include an indication of a certain amount of time for a delay.);
- updating an in-process bill of materials to reflect that selected feature (Col. 2, lines 61-67, Henson teaches a configurator for configuring a computer system with options selected);
- and in response to the customer being satisfied with a set of sales parameters including the availability date of the selected feature, submitting a completed bill of materials to the supplier over the Internet (Col. 2, line 61 through to Col. 3, line 12, Henson teaches a web-based online store with a user interface, configurator, a cart, a checkout, and a database. The user interface enables the user to custom configure a computer system via the configurator. The options and a respective pricing for each option are presented. The checkout is provided for presenting payment options and for obtaining payment and delivery information).
- [Claim 34] a configuration application means for receiving a product feature selected by the customer, and for validating a number of constraints associated with that product feature (Col. 7, line 57 through to Col. 8, line 55, Henson teaches the on-line store includes validation of a configuration built by the customer. The validation includes a cross checking of a combination of options);
- a communication module means coupled to the configuration application means for communicating the selected product feature to the supplier, and for communicating an availability date of that product feature from the supplier to the configuration application means (Col. 2, line 61 through to Col. 3, line 12, Henson teaches a web-



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based online store with a user interface, a configurator, a cart, a checkout, and a database. The user interface enables the user to custom configure a computer system via the configurator. The options and a respective pricing for each option are presented. The checkout is provided for presenting payment options and for obtaining payment and delivery information);

- and a first storage area means coupled to one of the configuration application means and the communication module means for storing an in-process bill of materials that reflects the product feature selected by the user (Col. 2, line 61 through to Col. 3, line 12 and Col. 6, lines 5-17, Henson teaches a web-based online store with a user interface, a configurator, a cart, a checkout, and a database. The user interface enables the user to custom configure a computer system via the configurator. The database is provided for dynamically supplying configuration options to the configurator. The Cart temporarily stores the customer's configured computer system. The system includes a hard disk and other storage devices such as a floppy disk and drives and other memory devices.).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4-6, 9-11, 16-18, 27-29, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson (U.S. Patent 6,167,383) in view of Conklin et al. (U.S. Patent 6,141,653). Henson discloses a method for providing customer configured machines at an Internet site. Henson fails to teach iterative, multivariate negotiations over a network.

10. Conklin et al teaches a multivariate negotiation engine for iterative bargaining that enables participants such as a customer and supplier to search and evaluate supplier information, propose, and negotiate orders and counteroffers. All multiple variables such as prices, terms, conditions, etc. are iteratively negotiated with a customer (Col. 13, line 66 through to Col. 14,

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line 31). Conklin et al teaches that it is old and well known in the Internet communications art to have the capability to negotiate price and delivery schedule through the Internet. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Henson with the teaching of Conklin et al. to include a multivariate negotiation engine for the purposes of negotiating all multiple variables to include price, terms, conditions, etc.

11. Henson discloses that the online store optimizes responsiveness to customer's requests to include availability and speed. Advantageously, the online store improves upon accuracy, reliability, and overall quality of an online buying experience. If the customer is confused, then the customer may elect to exit the online store and pick up the telephone to place an order that in turn would reduce the efficiencies of the online store (Col. 3, lines 45-54, and Col. 12, lines 41-63). Conklin et al. discloses that the data collected about all transactions is kept in databases in a secure location, thus eliminating the need for additional, expensive database server hardware and software. The cost for customers and suppliers are greatly reduced by orders of magnitude over existing systems (Col. 14, lines 48-54). Companies realize the cost advantage of doing business over the Internet. To improve transaction accuracy, reliability, and quality, incorporating Conklin et al's iterative negotiation engine would allow for total complete records of all transactions and reduce the cost of maintaining a call center for those items that would be confusing to the customer. Allowing the customer to negotiate price, terms, conditions, etc. would reduce the need for the customer to use the telephone to further complete the transaction. The customer would have the ability to negotiate all aspects of doing business with the supplier, have accurate records of all transactions and agreements that both the customer and supplier have agreed to, and overall reduce the cost of the transaction.

12. Claims **12** and **23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson (U.S. Patent 6,167,383) in view of Teresko et al. (Teresko et al., Calico Technology: Concinity configuration/quotation system, Industry Week, Vol. 245, issue 23, December 16, 1996, p. 24-26 [PROQUEST]). Henson discloses a method for providing customer configured machines at an Internet site. Henson fails to teach a method and system for a relationship between the customer and the supplier to have a configuration side associated with the customer, and a resource planning side associated with the supplier, and that configuration side-resource planning side relationship is respectively one of a consumer-seller relationship, a seller-manufacturer relationship and a manufacturer-vendor relationship.

13. Teresko et al. teaches product configuration software that integrates with ERP systems and automatically translates bills of materials into constraint- and rules-based models. It eliminates the need for sales and manufacturing to maintain separate configuration systems (p. 26, col. 2. paragraph 3). Teresko et al. teaches that it is old and well known in the product configuration art to have the capability to link sales to manufacturing to eliminate duplicity of systems. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Henson with the teaching of Teresko et al. to include the capability to link sales and manufacturing.

14. Henson discloses that the online store optimizes responsiveness to customer's requests to include availability and speed. Advantageously, the online store improves upon accuracy, reliability, and overall quality of an online buying experience (Col. 3, lines 45-54). Teresko et al. discloses the Calico software enables customers to browse a vendor's options, configure their

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selections, and buy complex products or services online. A primary benefit of product configuration software is that it eliminates errors in order configuration, thus improving customer satisfaction and reducing product returns (p. 24, col. 3, paragraph 3, and p. 26, col. 2, paragraph 2). Companies realize the cost advantage of doing business over the Internet. To improve transaction accuracy, reliability, and quality, incorporating Teresko et al. Calico software would improve the communication between the customer and the supplier as well as internally within the supplier between sales and manufacturing. A fully integrated ERP system would include and improve all communications links between sales, manufacturing and the suppliers' vendors. Product configuration would be accurate and confidence in the planning system would be high.

### *Conclusion*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bruce (Bruce, K., Can You Align IT with Business Strategy? Strategy & Leadership, Vol. 26, number 5, Nov/Dec 1998, p. 16-21 [DIALOG: file 15]) discloses that firms are seeking sustainable competitive advantages. Deploying an Internet website for online product ordering could have results that impact multiple business factors. Not only did technology enable rapid reconfiguration of product specifications to meet each customer's need, it also enabled speed-to-market by being directly connected to manufacturing and production processes.

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- Kjallstrom (U.S. Pat. Appl. 2002/0010655) discloses a real time three dimensional, configurable, interactive product display system and method. The invention enables a user via the Internet to create and enter an interactive, configurable, virtual product to view, evaluate in real time, and purchase.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular and After Final communications.

The fax phone number for Informal/Draft communication, labeled "PROPOSED" or "DRAFT" is (703) 746-9419.

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia, 7<sup>th</sup> floor receptionist.

mch  
8 April 2003

*Susanna Diaz*  
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*Patent Examiner*  
*Art Unit 3623*